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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,235	11/02/2005	Kenichiro Aridome	SONYJP 3,3-403	7864
530	7590	04/28/2009	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUHMOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			WENDMAGEGN, GIRUMSEW	
ART UNIT	PAPER NUMBER			
2621				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,235	<b>Applicant(s)</b> ARIDOME ET AL.
	<b>Examiner</b> GIRUMSEW WENDMAGEGN	<b>Art Unit</b> 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 November 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,9 and 11-19 is/are rejected.

7) Claim(s) 6-8 and 10 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/1449/08)  
Paper No(s)/Mail Date 4/13/05/123/09.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim1-4, 11-12, 14-15, 17-18** is rejected under 35 U.S.C. 102(e) as being anticipated by Iwahara et al (Pub No US 2003/0123853).

Regarding claim1,11, 12,14, 17, Iwahara et al (hereinafter Iwahara) anticipates an information recording apparatus comprising: title retrieval means for reading from a recordable medium title information for respective titles for motion picture data recorded on the recordable medium(see figure2b ); chapter retrieval means for reading chapter information for respective chapters in the respective titles based on the title information (see figure2b); and menu generation means for generating a top menu and for recording the top menu on the recordable medium, the top menu including a display area for reproducing the respective chapters based on the chapter information (see figure3 block 302).

Regarding claim2,15, Iwahara anticipates the information recording apparatus according to claim1, wherein the menu generation means generates the top menu so as to contain capturing times information for the respective chapters (see figure3 recording time).

Regarding claim3,18, Iwahara anticipates the information recording apparatus according to claim1, further comprising: representative picture selection means for selecting a representative picture in the respective chapters based on the chapter information, wherein the menu generation means generates top menu so as to contain the representative picture associated with a corresponding display area (see figure2B figure3 block 302 thumbnail area).

Regarding claim4, Iwahara anticipates the information recording apparatus according to claim 3, wherein the representative picture selection means selects first closed picture data in the respective chapters as the representative picture (see figure2B figure3 block 302 thumbnail area).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim5 rejected under 35 U.S.C. 103(a) as being unpatentable over Iwahara et al (Pub No US 2003/0123853) as applied to claim1-4, 11-12, 14-15, 17-18 above, and further in view of Kikuchi et al (Patent No US 6,580,872).

Regarding claim5, see the teaching of Iwahara above. Iwahara does not teach selected representative picture being I-picture. However Kikuchi teaches representative picture (thumbnail) being I picture (column26 line 66-column27 line3).

One of ordinary skill in the art at the time the invention was made would have been motivated to use I picture as representative picture as in Kikuchi in to Iwahara because I picture has more information.

**Claim9,13, 16, 19** rejected under 35 U.S.C. 103(a) as being unpatentable over Iwahara et al (Pub No US 2003/0123853) as applied to claim1-4, 11-12, 14-15, 17-18 above, and further in view of Shitara et al (Patent No US 6,434,103).

Regarding claim9, 16, 19, see the teaching of Iwahara above. Iwahara does not teach detecting apparatus type having recorded the motion picture. However Shitara teaches detecting apparatus type having recorded the motion picture (see figure12A Mcode, column19 line34-40).

One of ordinary skill in the art at the time the invention was made would have been motivated to detect apparatus type as in Shitara in to Iwahara because it would

allow the system to process the content based on the type of device used to record the content.

Regarding claim13, an information recording method, comprising: reading from a recordable medium title information for respective titles for motion picture data recorded on the recordable medium (see figure2b); reading chapter information for a beginning chapter in the respective titles based on the title information recordable medium (see figure2b); and generating a top menu and recording the top menu on the recordable medium, the top menu including a display area for reproducing the respective chapters based on the chapter information(see figure3 block 302) but does not teach detecting an apparatus type having recorded the motion picture data for the respective titles on the; reading the chapter information for respective chapters following the beginning chapter when the apparatus type corresponds to a specified type. However Shitara teaches detecting apparatus type having recorded the motion picture (see figure12A Mcode, column19 line34-40).

One of ordinary skill in the art at the time the invention was made would have been motivated to detect apparatus type as in Shitara in to Iwahara because it would allow the system to process the content based on the type of device used to record the content.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

***Allowable Subject Matter***

**Claim6-8, 10** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621